

**REGULAR MEETING  
OF  
THE PUBLIC SERVICE COMMISSION**

1. A Regular Meeting was called to order by Chairman Dallas Winslow in the Hearing Room, Public Service Commission, 861 Silver Lake Boulevard, Dover, Delaware, on Wednesday, February 19, 2020, at 1:00 p.m. with the following Commissioners in attendance: Joann Conaway, Kim Drexler, Harold Gray, and Manubhai C. Karia.

The following Staff members were in attendance: Dr. Raj Barua, Matthew Hartigan, Constance McDowell, Donna Nickerson, Deputy Attorneys General William O'Brien, Esq., and Thomas Walsh, Esq., Pamela Knotts, Samantha Hemphill, Malika Davis, Jenny Board, Samantha Misner, and Amy Willey.

Before the meeting began, Chairman Winslow announced that Item No. 6 on the Regular Agenda, Regulation Docket No. 56, would be heard after the hearings.

Commissioner Conaway moved to approve the meeting minutes from the January 29, 2020 meeting as presented; the motion was seconded by Commissioner Drexler and approved 4-0. Chairman Winslow abstained.

2. CONSENT AGENDA ITEMS

A motion was made by Commissioner Karia to adopt the following Consent Agenda items:

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER AND LIGHT COMPANY FOR APPROVAL OF QUALIFIED FUEL CELL PROVIDER PROJECT TARIFFS (FILED JANUARY 27, 2020) – PSC DOCKET NO. 20-0086

- Commission considered Staff Memorandum and proposed Order Nos. 9544.

IN THE MATTER OF THE ADOPTION OF RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF 26 *DEL. C.* 1 RELATING TO THE RULES OF PRACTICE AND PROCEDURE OF THE DELAWARE PUBLIC SERVICE COMMISSION. (FILED JANUARY 6, 1999; RE-OPENED OCTOBER 9, 2012; RE-OPENED JANUARY 29, 2020) – PSC REGULATION DOCKET NO. 99-9

- Commission considered Staff Memorandum and proposed Order No. 9540.

IN THE MATTER OF THE APPLICATION OF CHRISLYNN ENERGY SERVICES, INC., FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED AUGUST 12, 2019; FILED DECEMBER 11, 2019) – PSC DOCKET NO. 19-0511

- Commission considered proposed Order No. 9547.

IN THE MATTER OF THE APPLICATION OF VERIZON DELAWARE, LLC FOR THE COMMENCEMENT OF PROCEEDINGS PURSUANT TO 47 U.S.C § 546

REGARDING THE RENEWAL OF THE CABLE TELEVISION FRANCHISE TO SERVE CERTAIN UNICORPORATED AREAS OF NEW CASTLE, KENT, AND SUSSEX COUNTIES. (FILED APRIL 29, 2019) – PSC DOCKET NO. 19-0314

- Commission considered proposed Order Nos. 9549 and 9550.

IN THE MATTER OF THE APPLICATION OF COMCAST OF DELMARVA, INC. FOR THE COMMENCEMENT OF PROCEEDINGS PURSUANT TO 47 U.S.C. §546 REGARDING THE RENEWAL OF THE CABLE TELEVISION FRANCHISE TO SERVE CERTAIN UNICORPORATED AREAS OF SUSSEX COUNTY, DELAWARE (FILED MAY 8, 2017) – PSC DOCKET NO. 17-0345

- Commission considered Settlement Agreement, Hearing Examiner’s Report and proposed Order No. 9551.

IN THE MATTER OF THE WRITTEN NOTICE OF POTENTIAL VIOLATION OF 26 *DEL. ADMIN C.* §8001 AND ASSOCIATED CIVIL PENALTIES TO DELMARVA POWER & LIGHT COMPANY (FILED AUGUST 29, 2019) – PSC DOCKET NO. 19-0563

- Commission considered Consent Agreement and proposed Order No. 9552.

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC. TO ABANDON UNDER 26 *DEL. C.* §203A (d) WATER SERVICES PROVIDED UNDER A CERTIFICATE OF PUBLIC CONVENIENCE NECESSITY (FILED NOVEMBER 15, 2019) - PSC DOCKET NO. 19-0744

- Commission considered Staff Memorandum and proposed Order No. 9538.

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE PURSUANT TO 26 *DEL. C.* §203C. (“SUMMITBRIDGE008”) (FILED DECEMBER 5, 2019) - PSC DOCKET NO. 19-0829

- Commission considered Staff Memorandum and proposed Order No. 9539.

The motion was seconded by Commissioner Gray and approved 5-0.

### 3. REGULAR AGENDA ITEMS

IN THE MATTER OF PROVISION OF STANDARD OFFER SUPPLY TO RETAIL CONSUMERS IN THE SERVICE TERRITORY OF DELMARVA POWER & LIGHT (FILED August 16, 2019) – PSC DOCKET NO. 19-0520

- Pamela Knotts appeared on behalf of Staff.
- Dr. Jim Letzelter appeared on behalf of Liberty Consulting.
- A motion was made by Commissioner Drexler and seconded by Commissioner Conaway to approve final report detailing the evaluation of Delmarva’s SOS bid process and the awarding of contracts for the period beginning June 2020; the motion was approved 5-0.
- NOTE: The Commission did not go into Executive Session.

- A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE PETITION OF THE PUBLIC SERVICE COMMISSION STAFF AND DELAWARE DIVISION OF THE PUBLIC ADVOCATE TO ESTABLISH A REGULATION FOR DISTRIBUTION SYSTEM INVESTMENT PLANS FOR DELAWARE ELECTRIC AND NATURAL GAS UTILITIES (FILED JULY 2, 2018) – PSC DOCKET NO. 18-0935

- Thomas Walsh, Esq. appeared on behalf Staff.
- Andrew Slater and Regina Iorii, Esq., appeared on behalf of the Division of the Public Advocate.
- A motion was made by Commissioner Conaway and seconded by Commissioner Karia to approve proposed Order No. 9541 as presented; the motion was approved 5-0.
- A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR AN INCREASE IN NATURAL GAS BASE RATES (FILED AUGUST 17, 2017) – PSC DOCKET NO. 17-0978

- James McC. Geddes, Esq., and Malika Davis appeared on behalf Staff.
- R. J. Scaggs, Esq., Morris Nichols Arsht & Tunnell, LLP and Jay Ziminsky, Pepco Holdings Inc., appeared on behalf of Delmarva Power & Light Company.
- Andrew Slater and Regina Iorii, Esq., appeared on behalf of the Division of the Public Advocate.
- A motion was made by Commissioner Gray and seconded by Commissioner Drexler to approve proposed Order No. 9543; the motion was approved 5-0.
- A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR APPROVAL OF MODIFICATIONS TO ITS NATURAL GAS COST RATES (FILED AUGUST 26, 2019) – PSC DOCKET NO. 19-0556

- James McC. Geddes, Esq. appeared on behalf Staff.
- Dawn Kurtz-Crompton, Esq. and James Jacoby, Pepco Holdings Inc., appeared on behalf of Delmarva Power & Light Company.
- Andrew Slater and Regina Iorii, Esq., appeared on behalf of the Division of the Public Advocate.
- A motion was made by Commissioner Conaway and seconded by Commissioner Karia to approve proposed Order No. 9553; the motion was approved 5-0.
- A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF CHESAPEAKE UTILITIES CORPORATION FOR APPROVAL OF ITS ENVIRONMENTAL RIDER RATE “ER” TO BE EFFECTIVE DECEMBER 1, 2019 (FILED OCTOBER 31, 2019) – PSC DOCKET NO. 19-0724

- Thomas Walsh, Esq. appeared on behalf Staff.
- Lindsay Orr, Esq. appeared on behalf of Chesapeake Utilities Corporation.

- Andrew Slater and Regina Iorii, Esq., appeared on behalf of the Division of the Public Advocate.
- A motion was made by Commissioner Drexler and seconded by Commissioner Gray to approve proposed Order No. 9554 as presented; the motion was approved 5-0.
- A verbatim transcript was made of this proceeding.

#### 4. HEARINGS

IN THE MATTER OF REQUEST FOR APPROVAL OF DELMARVA POWER & LIGHT COMPANY'S 2019-20 STANDARD OFFER SERVICE RATES, PROCUREMENT COST ADJUSTMENT AND RARM FILING (FILED MARCH 26, 2019) – PSC DOCKET 19-0174

- William O'Brien, Esq., Jenny Board, and Samantha Misner appeared on behalf Staff.
- Dawn Kurtz-Crompton, Esq., and Lisa Mothers, Pepco Holdings, Inc. appeared on behalf of Delmarva Power & Light Company.
- There were no objections to the exhibits of Delmarva Power & Light Company and were entered into record.
- A motion was made by Commissioner Conaway and seconded by Commissioner Karia to approve proposed Order No. 9545 as presented; the motion was approved 5-0.
- A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE PROVISION OF RENEWABLE ENERGY PORTFOLIO STANDARD'S COMPLIANCE CHARGE TO RETAIL CUSTOMERS IN THE SERVICE TERRITORY OF DELMARVA POWER & LIGHT COMPANY (FILED MARCH 26, 2019) – PSC DOCKET NO. 19-0175

- Thomas Walsh, Esq., and Amy Willey appeared on behalf Staff.
- Dawn Kurtz-Crompton, Esq., and Monica Miller, Pepco Holdings, Inc. appeared on behalf of Delmarva Power & Light Company.
- Andrew Slater and Regina Iorii, Esq., appeared on behalf of the Division of the Public Advocate.
- There were no objections to the exhibits of Delmarva Power & Light Company and were entered into record.
- A motion was made by Commissioner Karia and seconded by Commissioner Gray to approve proposed Order No. 9548; the motion was approved 5-0.
- A verbatim transcript was made of this proceeding.

After the hearings were over, the Commission proceeded with Item 6 from the Regular Agenda, Regulation Docket No. 56.

IN THE MATTER OF THE ADOPTION OF RULES AND PROCEDURES TO IMPLEMENT THE RENEWABLE ENERGY PORTFOLIO STANDARDS ACT, 26 *DEL. C.* §§351-363, AS APPLIED TO RETAIL ELECTRICITY SUPPLIERS (OPENED AUGUST 23, 2005; REOPENED SEPTEMBER 4, 2007; AUGUST 5, 2008; SEPTEMBER 22, 2009; AUGUST 17, 2010; SEPTEMBER 6, 2011; SEPTEMBER 18, 2012; FEBRUARY 2, 2017) – PSC REGULATION DOCKET NO. 56

- William O'Brien, Esq. appeared on behalf of Staff.
- Thomas Walsh, Esq. appeared on behalf of the Commission.
- Andrew Slater and Regina Iorii, Esq., appeared on behalf of the Division of the Public Advocate.
- Jameson Tweedie, Esq., and Devera Scott, Esq., appeared on behalf of Dept. of Natural Resources' Division of Climate, Coastal, & Energy.
- Dawn Kurtz-Crompton, Esq., and James Jacoby, Pepco Holdings, Inc., appeared on behalf of Delmarva Power & Light Company.
- Gary Myers appeared on behalf of self.
- David T. Stevenson appeared on behalf of Caesar Rodney Institute.
- A motion was made by Chairman Winslow and seconded by Commissioner Drexler that the Commission find in favor of DPA and Mr. Myers with respect to the objections made by DNREC about the public disclosure of the calculations; the motion was approved 5-0.
- A motion was made by Chairman Winslow and seconded by Commissioner Drexler that Staff shall provide the Commission with its conclusions with respect to the calculations and indicate that the REPSA cost thresholds relating to freeze determination have been exceeded; the motion was approved 5-0.
- A motion was made by Chairman Winslow and seconded by Commissioner Conaway that a freeze on the minimum cumulative solar photovoltaics requirement and minimum cumulative eligible energy resources requirement is declared. Such freeze, subject to the conditions, shall begin on June 1, 2020, at the outset of the 2020/21 Compliance Year. Under such freeze, the minimum requirements for the 2020/21 Compliance Year and would be applicable for the 2019/20 Compliance Year; the motion was approved 5-0.
- A motion was made by Chairman Winslow and seconded by Commission Conaway that if prior to June 1, 2020, DP&L and/or DNREC, can demonstrate that the actual and projected compliance costs for the 2019/20 Compliance Year under either requirement were less than the percentage cap dollar amount for that requirement during the 2019/20 Compliance Year, then the freeze shall be lifted as to that requirement. In such event, the applicable minimum requirement would be the percentage set forth in 26 *Del. C.* §352(a) for the 2020/21 Compliance Year. Any freezes imposed may be lifted at any time under the process set forth in 26 *Del. Admin. C.* Part 3008 §3.2.21.7 to §3.2.21.9; the motion was approved 5-0.
- A verbatim transcript was made of this proceeding.

5. DIRECTOR'S COMMENTS

- Dr. Barua announced that there would be Public Comment Session regarding PSC Docket No. 19-0314, Verizon-Cable Television – Franchise New Castle, Sussex & Kent Counties, Wednesday, February 19, 2020, 5:00 P.M., Dover Office, 861 Silver Lake Blvd., Dover, DE
- Dr. Barua also announced the next Commission meeting is March 18, 2020.

This meeting was adjourned at approximately at 4:39 P.M.

Respectfully submitted,

/s/Donna Nickerson  
Secretary